

# CHECKLIST FOR REVIEWING DEVELOPMENT REGULATIONS

Washington Department of Fish and Wildlife

The following are elements that might be included in regulations protecting fish and wildlife habitat conservation areas. Some elements are very important for fish and wildlife, while others may be considered optional. The descriptions of the elements are worded so that a "yes" response is favorable to fish and wildlife. If the element is considered optional or would have no adverse effect on fish or wildlife, a negative response is marked "n.a."

## Relative

### Priority<sup>(1)</sup>

**YES** **NO**

- |       |   |       |       |
|-------|---|-------|-------|
| * *   | Is there a statement of <b>purpose</b> ?.....<br>A statement of purpose should generally address the following:<br>...to protect environmentally sensitive areas<br>...prevent unwise development in environmentally sensitive areas<br>...to mitigate unavoidable impacts to environmentally sensitive areas<br>...to prevent cumulative adverse environmental impacts   | _____ | _____ |
| * *   | If there is a statement of purpose, are fish & wildlife adequately addressed?.....  | _____ | _____ |
| *     | Is there a statement of <b>applicability</b> declaring what lands, land uses, persons, and/or organizations will be bound by the ordinance?.....  | _____ | n.a.  |
| * * * | If so, is the applicability sufficiently broad (i.e., no inappropriate loopholes)?.....   | _____ | _____ |
| * *   | Are <b>regulated uses and activities</b> in critical areas spelled out?.....<br>Regulated uses must be sufficiently broad to protect fish & wildlife resources.<br>Examples of appropriate regulated uses include:<br>...removal, excavation, or grading of soil<br>...dredging, dumping, or discharging of material<br>...filling, draining, or flooding of an area<br>...construction, demolition, or expansion of any structure<br>...clearing or other major alteration of vegetation<br>...activities affecting surface or ground water resources          | _____ | _____ |
| * * * | If there are regulated uses, are they sufficiently broad to protect fish & wildlife?....  | _____ | _____ |
| *     | Are there provisions for <b>allowable uses</b> or <b>general exemptions</b> ?.....<br>Allowable uses or general exemptions should be sufficiently restrictive to protect fish & wildlife resources. Examples of appropriate exemptions include:<br>...emergencies threatening public health and safety<br>...maintenance of existing utilities, roads, structures, farm ponds, etc.<br>...electric/telephone/water/sewer lines in public ROW's<br>...outdoor recreational activities (fishing, hiking, birdwatching, etc.)<br>...education, scientific research | _____ | n.a.  |
| * * * | If there are allowable uses, are they sufficiently restrictive to protect fish, wildlife, and habitat?.....   | _____ | _____ |

**Relative  
Priority<sup>(1)</sup>**

**YES    NO**

- \*    Is there a **reasonable use exception**?..... n.a. \_\_\_\_\_
- Reasonable use exceptions should be sufficiently restrictive to protect fish & wildlife resources. Examples of appropriate reasonable use exceptions include:
- ...ordinance would deny all reasonable use of the property
  - ...there is no reasonable use with a lesser impact on the critical area
  - ...proposal does not pose a threat to public health/safety/welfare
  - ...proposal is minimum necessary to allow reasonable use
- \* \* \*    If there is a reasonable use exception, is it sufficiently restrictive?..... \_\_\_\_\_ \_\_\_\_\_
- \*    Are **mitigation actions** defined in a preferred sequence?..... \_\_\_\_\_ \_\_\_\_\_
- e.g., 1) avoid impact by not taking a certain action;
- 2) minimize impacts by limiting the action;
- 3) remedy the impact by restoring the affected area;
- 4) reduce the impact over time by preservation or maintenance;
- 5) compensate for the impact by replacing or substituting resources.
- \* \* \*    Will the permit-granting agency **review** a development proposal and **withhold, condition, or deny** approval if it is not consistent with the ordinance?..... \_\_\_\_\_ \_\_\_\_\_
- \* \*    Can the permit-granting agency require **special studies and/or reports** if a proposal might impact an ESA?..... \_\_\_\_\_ \_\_\_\_\_
- \* \*    Are there provisions for **appeals** of decisions made by the permit-granting agency?..... \_\_\_\_\_ \_\_\_\_\_
- \*    Are there provisions for **performance bonds**?..... \_\_\_\_\_ \_\_\_\_\_
- \*    Are there provisions for **maintenance bonds**?..... \_\_\_\_\_ \_\_\_\_\_
- \*    Will a **record of notice** be placed on the title of property affected by a critical area?... \_\_\_\_\_ \_\_\_\_\_
- \*    Will **boundaries** of a critical area be clearly marked prior to construction activities?... \_\_\_\_\_ \_\_\_\_\_

**Comments:**

## SPECIFIC PROVISIONS

**Relative  
Priority<sup>(1)</sup>**

**YES      NO**

***	Do the regulations (usually via definitions/classifications of Fish and Wildlife Habitat Conservation Areas) include <b>WDFW's priority habitats</b> ?.....	___	___
*	If so, is reference to these habitats made specifically through WDFW's PHS Program?.....	___	___
	Do the regulations (usually via definitions/classifications of Fish and Wildlife Habitat Conservation Areas) include <b>WDFW's priority species</b> ?		
***	State Endangered, Threatened, & Sensitive?.....	___	___
***	State Candidate.....	___	___
**	State Monitor.....	___	___
**	PHS Game/Nongame.....	___	___
*	Is reference to some or all of these categories made specifically through WDFW's PHS Program?.....	___	___
***	Do the definitions/classifications of Fish & Wildlife Habitat Conservation Areas include <b>habitats and species of local importance</b> ?.....	___	___
**	If so, are habitats and species of local importance specified?.....	___	___
**	Is there a process to identify locally important habitats and species?.....	___	___
	Are habitat management <b>plans or special reports</b> required when proposals may impact Fish & Wildlife Habitat Conservation Areas with:		
***	State Endangered, Threatened, and Sensitive species?.....	___	___
***	State Candidate species?.....	___	___
**	State Monitor species?.....	___	___
**	PHS Game/Nongame species?.....	___	___
**	Habitats and species of local importance?.....	___	___
***	PHS priority habitats?.....	___	___
	Are the <b>contents</b> specified?		
**	Map(s).....	___	___
**	Criteria for map(s).....	___	___
*	Expertise of person preparing the map(s).....	___	___
***	Report.....	___	___
**	Criteria and/or contents for the report.....	___	___
*	Expertise of person preparing the report.....	___	___
***	Required or possible evaluation of the report by WDFW.....	___	___

---

<sup>(1)</sup> Relative priority:      \*\*\* = highest priority  
                                     \*\* = high priority  
                                     \* = priority